

FORM PTO-1390 (Modified) (REV 11-2000)		U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE	ATTORNEY'S DOCKET NUMBER UAB-16802/22
TRANSMITTAL LETTER TO THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US) CONCERNING A FILING UNDER 35 U.S.C. 371			U.S. APPLICATION NO. (IF KNOWN, SEE 37 CFR 1.5) 10/049329
INTERNATIONAL APPLICATION NO PCT/US00/21769	INTERNATIONAL FILING DATE 9 AUGUST 2000	PRIORITY DATE CLAIMED 9 AUGUST 1999	

TITLE OF INVENTION
GENETIC POLYMORPHISM IN THE IL-10 PROMOTER

COPY

APPLICANT(S) FOR DO/EO/US
KIMBERLY, Robert P. and GIBSON, Andrew

Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information.

1. ☒ This is a **FIRST** submission of items concerning a filing under 35 U.S.C. 371
2. ☐ This is a **SECOND** or **SUBSEQUENT** submission of items concerning a filing under 35 U.S.C. 371
3. ☒ This is an express request to begin national examination procedures (35 U.S.C. 371(f)). The submission must include items (5), (6), (9) and (24) indicated below
4. ☒ The US has been elected by the expiration of 19 months from the priority date (Article 31)
5. ☒ A copy of the International Application as filed (35 U.S.C. 371 (c) (2))
 - a. ☐ is attached hereto (required only if not communicated by the International Bureau)
 - b. ☐ has been communicated by the International Bureau
 - c. ☒ is not required, as the application was filed in the United States Receiving Office (RO/US)
6. ☐ An English language translation of the International Application as filed (35 U.S.C. 371(c)(2))
 - a. ☐ is attached hereto
 - b. ☐ has been previously submitted under 35 U.S.C. 154(d)(4).
7. ☒ Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371 (c)(3))
 - a. ☐ are attached hereto (required only if not communicated by the International Bureau)
 - b. ☐ have been communicated by the International Bureau
 - c. ☐ have not been made, however, the time limit for making such amendments has NOT expired
 - d. ☐ have not been made and will not be made
8. ☐ An English language translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371(c)(3))
9. ☒ An oath or declaration of the inventor(s) (35 U.S.C. 371 (c)(4)). **unexecuted**
10. ☐ An English language translation of the annexes to the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371 (c)(5)).
11. ☐ A copy of the International Preliminary Examination Report (PCT/IPEA/409)
12. ☒ A copy of the International Search Report (PCT/ISA/210)

Items 13 to 20 below concern document(s) or information included:

13. ☐ An Information Disclosure Statement under 37 CFR 1.97 and 1.98
14. ☐ An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included
15. ☐ A **FIRST** preliminary amendment.
16. ☐ A **SECOND** or **SUBSEQUENT** preliminary amendment
17. ☐ A substitute specification
18. ☐ A change of power of attorney and/or address letter
19. ☐ A computer-readable form of the sequence listing in accordance with PCT Rule 13ter 2 and 35 U.S.C. 1.821 - 1.825.
20. ☐ A second copy of the published international application under 35 U.S.C. 154(d)(4)
21. ☐ A second copy of the English language translation of the international application under 35 U.S.C. 154(d)(4).
22. ☒ Certificate of Mailing by Express Mail
23. ☒ Other items or information

Postcard

EV063796299US



25006

PATENT TRADEMARK OFFICE

NOTE: The International Preliminary Examination Report has NOT been received by Applicant

U.S. APPLICATION NO. (IF KNOWN, SEE 37 CFR 1.5)		INTERNATIONAL APPLICATION NO		ATTORNEY'S DOCKET NUMBER	
10/049329		PCT/US00/21769		UAB-16802/22	

24. The following fees are submitted: BASIC NATIONAL FEE (37 CFR 1.492 (a) (1) - (5)) :				CALCULATIONS PTO USE ONLY <div style="font-size: 4em; opacity: 0.5; transform: rotate(-15deg); position: absolute; top: 50px; left: 50px;">COPY</div>	
<input type="checkbox"/> Neither international preliminary examination fee (37 CFR 1.482) nor international search fee (37 CFR 1.445(a)(2)) paid to USPTO and International Search Report not prepared by the EPO or JPO				\$1040.00	
<input type="checkbox"/> International preliminary examination fee (37 CFR 1.482) not paid to USPTO but International Search Report prepared by the EPO or JPO				\$890.00	
<input type="checkbox"/> International preliminary examination fee (37 CFR 1.482) not paid to USPTO but international search fee (37 CFR 1.445(a)(2)) paid to USPTO				\$740.00	
<input type="checkbox"/> International preliminary examination fee (37 CFR 1.482) paid to USPTO but all claims did not satisfy provisions of PCT Article 33(1)-(4)				\$710.00	
<input checked="" type="checkbox"/> International preliminary examination fee (37 CFR 1.482) paid to USPTO and all claims satisfied provisions of PCT Article 33(1)-(4)				\$100.00	
ENTER APPROPRIATE BASIC FEE AMOUNT =				\$100.00	
Surcharge of \$130.00 for furnishing the oath or declaration later than _____ months from the earliest claimed priority date (37 CFR 1.492 (e)) <input type="checkbox"/> 20 <input type="checkbox"/> 30				\$0.00	
CLAIMS	NUMBER FILED	NUMBER EXTRA	RATE		
Total claims	11 - 20 =	0	x \$18.00	\$0.00	
Independent claims	5 - 3 =	2	x \$84.00	\$168.00	
Multiple Dependent Claims (check if applicable) <input type="checkbox"/>				\$0.00	
TOTAL OF ABOVE CALCULATIONS =				\$268.00	
<input checked="" type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27) The fees indicated above are reduced by 1/2				\$134.00	
SUBTOTAL =				\$134.00	
Processing fee of \$130.00 for furnishing the English translation later than _____ months from the earliest claimed priority date (37 CFR 1.492 (f)) <input type="checkbox"/> 20 <input type="checkbox"/> 30				\$0.00	
TOTAL NATIONAL FEE =				\$134.00	
Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31) (check if applicable). <input type="checkbox"/>				\$0.00	
TOTAL FEES ENCLOSED =				\$134.00	
				Amount to be: refunded	\$
				charged	\$

a. ☒ A check in the amount of \$134.00 to cover the above fees is enclosed

b. ☐ Please charge my Deposit Account No _____ in the amount of _____ to cover the above fees
A duplicate copy of this sheet is enclosed

c. ☒ The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No 07-1180 A duplicate copy of this sheet is enclosed

d. ☐ Fees are to be charged to a credit card **WARNING:** Information on this form may become public **Credit card information should not be included on this form.** Provide credit card information and authorization on PTO-2038.

NOTE: Where an appropriate time limit under 37 CFR 1.494 or 1.495 has not been met, a petition to revive (37 CFR 1.137(a) or (b)) must be filed and granted to restore the application to pending status.

SEND ALL CORRESPONDENCE TO:

Ellen S. Cogen
 Gifford, Krass, Groh, Sprinkle,
 Anderson & Citkowski, P.C.
 280 N. Old Woodward Avenue, Suite 400
 Birmingham, MI 48009-5394
 (248) 647-6000

Ellen S. Cogen

SIGNATURE

Ellen S. Cogen

NAME

38,109

REGISTRATION NUMBER

11 FEBRUARY 2002

DATE

GENETIC POLYMORPHISM IN THE IL-10 PROMOTER**Application Information**

The subject matter of this invention was funded under United States Government Contract AR33062 through the National Institutes of Health.

5

Field of the Invention

The present invention relates generally to a compound and process for identifying polymorphism in an interleukin cytokine promoter, and more particularly, to a compound and process for identifying and typing single nucleotide polymorphisms that code for an interleukin-10 (IL-10) promoter and
10 applying these polymorphisms to delineation of disease susceptibility and severity.

Background of the Invention

Interleukin-10 (IL-10) is known as an anti-inflammatory cytokine, B-cell proliferation factor and is active in autoimmunity, tumorigenesis and
15 transplant tolerance. *Eur. J. Immunogenet.* 1997 24(1):1-8.

IL-10 has pleiotropic effects in immunoregulation and inflammation including enhancing B-cell proliferation and antibody production, and altering macrophage response to infection yet stimulates Fc receptors on the same cells. *Annals Allergy Asthma Immunol.* 1997 79:469-483; *J. Immunol.* 1993
20 151:1224-1234; and *J. Immunol.* 1992 149:4048-4052. Studies have indicated a role for IL-10 production in the pathogenesis of autoimmune diseases, illustratively including rheumatoid arthritis, systemic lupus erythematosus,

Sjogren's syndrome, inflammatory bowel disease and susceptibility to certain infectious diseases and other functions of the immune system.

Several studies have shown that unaffected family members of SLE patients produce high levels of IL-10 and that first degree relatives of non-
5 survivors of fatal meningococcal disease produce significantly lower levels of IL-10 than relatives of survivors. *Arthritis Rheum.* 1997 40:1429-1435; *Lancet* 1998 351:950-953; and *Lancet* 1997 349:170-173. The implication of a heritable genetic basis for IL-10 production is supported by the concordance of IL-10 production in monozygotic twins which suggest that genetics could
10 account for up to 75% of IL-10 production. *Lancet* 1997 349:170-173.

IL-10 production varies between individuals and through analysis of families, appears to have an inherited component. The IL-10 promoter is highly polymorphic. Two dinucleotide microsatellites (IL-10R, IL-10G) have been identified in the 4.0 kb 5' untranslated region, and three Single Nucleotide
15 Polymorphisms (SNPs) have been identified in the 1.3 kb 5' UTR. *Cytokine* 1995 7:1-7; and *Immunogenetics* 1997 46:120-128. Recent studies have shown that the IL-10.R3 allele of the IL-10.R microsatellite associates with lower IL-10 production while the IL-10.R2 allele, and the IL-10.G14 allele of the IL-10G microsatellite associate with high IL-10 production. *Immunogenetics*
20 1996 42:444-445; and *Immunogenetics* 1996 45:82-83. In addition, associations have been observed between the GCC haplotype of the three known SNPs (-1082G/A, -819C/T, -592C/A) and high IL-10 production and

Ro antibody production. *Kidney Int.* 1999 56(1):281-8; *Arthritis Rheum.* 1998 41(6):1090-5.

Summary of the Invention

5 The present invention is a package and process for correlating the properties of IL-10 production and cellular basis for susceptibility to a disease by identifying an IL-10 promoter of a cell and quantifying IL-10 production. Thereafter, IL-10 production by the cell by a second cell expressing a second IL-10 promoter genotype is compared.

10 The present invention uses a single nucleotide polymorphism or combinations thereof within the IL-10 promoter genotype to identify individual susceptibility to a disease.

A process of the present invention also extends to correlating the IL-10 production of a cell and cellular susceptibility to a disease through identifying IL-10 promoter haplotype and IL-10 production by the cell. Thereafter, IL-10
15 production by the cell is compared to a second IL-10 promoter haplotype. In particular, single nucleotide polymorphisms are responsible for phenotypical differences in IL-10 production.

The present invention further includes a commercial packaging including reagents for identifying single nucleotide polymorphisms in the IL-
20 10 promoter phenotype of an individual as a test to identify individual susceptibility to a disease associated with IL-10 production. The reagents further include instructions for the use thereof.

Brief Description of the Drawings

Figure 1 shows a schematic representation of the IL-10 promoter with seven novel SNPs found in Caucasian donors. Within this region an additional C/T SNP at -1466 was identified in African Americans. A second SNP at position -429 (G/T) was also found in African American donors. *n=48; **n=14.

Figure 2 shows identification of SNP haplotypes in the IL-10 promoter. The TGA haplotype (*) was identified unambiguously in the independent populations of 128 normal Caucasian and 64 normal African American donors with an approximate haplotype frequency of 0.02 and 0.08, respectively. The TAC haplotype (**) was identified unambiguously in normal African American donors with an approximate haplotype frequency of 0.02.

Figure 3 is a graph showing association of -3575A/-2763A SNP haplotype with production of IL-10 by donors, segregated by distal SNP haplotypes. Homozygosity for haplotypes with an A allele at both -3575 and -2763 was strongly associated with low IL-10 production (p=0.007).

Detailed Description of the Invention

The present invention is based on a novel form of polymorphism in the IL-10 promoter. A novel polymorphism is exploited in a testing methodology which allows for early identification of individuals susceptible to diseases associated with IL-10 function, offering the possibility of early and aggressive treatment in those patients.

The present invention relates to a compound and process for identifying single nucleotide polymorphisms in the -1.2 kb to -4.0 kb region of IL-10 promoter. Preliminary data using the 1.3 kb IL-10 promoter in reporter gene constructs failed to show an association between IL-10 production and the polymorphic sites suggesting that other promoter sites may be involved in IL-10 production. To identify additional SNPs that may play a role in IL-10 production, the present invention sequenced a 4 kb PCR-amplified region of the IL-10 promoter from several individuals phenotyped for high or low IL-10 production. At least seven additional SNPs exist in the -1.2 kb to 4.0 kb IL-10 promoter region. It is appreciated that other techniques known to the art may also be employed, these illustratively include the use of allele specific oligonucleotides as hybridization probes and/or as primers for DNA amplification.

Because of the important role of IL-10 in the immune response, the present invention has utility as a diagnostic to identify high risk patients that warrant early and aggressive treatment. As a diagnostic for infectious disease, the present invention has utility in predicting susceptibility to specific microbes and thereby guiding the use of therapeutics. As a diagnostic for autoimmune disease, the present invention has utility in diseases illustratively including SLE, transplant rejection, Felty's syndrome, allergies, asthma, myasthenia gravis, systemic vasculitis, glomerulonephritides, Sjogren=s syndrome and inflammatory bowel disease. Identification of the appropriate allelic forms further allows for gene therapy transduction of host cells to correct hereditary

limitations in the host's IL-10 promoter genes through delivery of a translatable promoter gene to a host cell. Generally, a predominant "normal" gene of the total human population or a derivative thereof would be delivered.

The present invention provides a method for identifying the IL-10 promoter single nucleotide allelic pattern in human patients which involves testing DNA from individual patients for the presence of different allelic variants. The present invention also encompasses the identification analysis of new single nucleotide allelic forms of the IL-10 promoter, the analysis being achieved using methods well known in the art, such as direct DNA sequencing; single strand conformational polymorphism analysis (SSCP); "HOT" cleavage; denaturing gradient gel electrophoresis (DVGE) and combinations thereof.

Once a new polymorphism has been identified, molecular biological tests are used to haplotype patients for the presence or absence of a given single nucleotide polymorphism. For example, allele specific oligonucleotides may be designed for use as probes and/or as primers in hybridization or PCR based detection methods, respectively.

To facilitate heterozygote detection, a dye primer strategy is used for fluorescence-based automated cycle sequencing of PCR products on an ABI 377. All sequencing primers are designed with an 18bp M13 sequence tag (ABI PRISMJ Dye Primer Cycle Sequencing -21M13 FS and M13REV FS Ready Reaction Kits (ABI, Foster City, CA)). The PCR products are purified with the QIAquick Gel Extraction Kit (Chatsworth, CA). The BigDye terminator sequencing reaction chemistry (ABI) is also used to detect

heterozygosity in IL-10 receptors. This chemistry has the advantage of allowing longer sequence reads and does not require the incorporation of additional M13-based sequence in the primers. It is appreciated that all potentially polymorphic residues must ultimately be confirmed by sequencing
5 in both the forward and reverse directions using the dye-primer based strategy.

Through the establishment of statistically significant correlations between the different single nucleotide polymorphic allelic forms of IL-10 promoter within the -1.2 kb to -4.0 kb region and various physiological or clinical manifestations of IL-10 production levels. These correlations are
10 utilized to provide diagnostic utilities of the present invention. In practicing the present invention, preferably the correlations sought are those between particular IL-10 promoter single nucleotide allelic polymorphs and the IL-10 response to any of the illustratively aforementioned diseases.

The term "allele" or "allelic form" is intended to mean an alternative
15 version of a gene encoding the same functional protein but containing differences in nucleotide sequence relative to another version of the same gene.

The term "allelic polymorphism" or "allelic variant" is intended to mean a variation in the nucleotide sequence within a gene, wherein different individuals in a general population express different variants of the gene.

20 The term "allelic pattern" is intended to mean the identity of each of the two copies of a particular gene in a patient i.e., homozygosity or heterozygosity.

The term “allelic pattern” is used herein interchangeably with “genotype.”

The term “genotyping” as used herein as being the process of determining the allelic patterns of a human individual.

5 Examination of the DNA sequence encoding the IL-10 promoter by direct sequence analysis shows two sites (-3573 and -2763) associated with IL-10 production. In 52 normal healthy donors phenotyped for high or low IL-10 production in response to an LPS stimulus, the A allele at nt -3575 ($p < 0.001$), and the A allele at nt -2763 ($p < 0.01$) are associated with low IL-10 production.

10 Further, the A allele at nt -2849 shows a correlation in donors phenotyped for low IL-10, as summarized in Table 1. Examination of the -3575, -2849 and -2763 haplotypes in 48 SLE patients is compared to that for the group of 52 normal donors in Table 2 in reference to high or low IL-10 production levels in the normal donors.

15 DNA was obtained from a donor and the presence of DNA sequences corresponding to a particular IL-10 promoter single nucleotide allelic polymorphism are determined. The DNA may be obtained from any cell source or body fluid containing intact nucleic acid bearing cells (expressing a complement receptor). DNA is extracted from the cell source using any of the
20 numerous methods that are standard in the art. Once extracted, the DNA may be employed in the present invention without further manipulation. Direct sequencing is accomplished by enzymatic sequencing by way of methods such as the Sanger method. *Proc. Natl. Acad. of Sci., USA* 1977 74:5463. It is

appreciated that alternate sequencing methods such as chemical sequencing, using the Maxam-Gilbert method. *Proc. Natl. Acad. of Sci., USA* 1977 74:560.

To identify SNPs in the more distal promoter region that might
5 correlate with IL-10 production, we PCR amplified a 4.1 kb DNA fragment from the IL-10 promoter which included the 5'UTR and 43 bases of the ORF. Eight low and six high IL-10 producing Caucasian donors were selected and the promoter region between -1.3 kb and -4 kb sequenced. DNA sequences obtained using the BigDye Terminator Cycle Sequencing system were
10 confirmed by sequencing the reverse strand using the M13-based Dye Primer system. Seven novel genetic SNPs were identified within the -1.3 kb to -4 kb promoter region of IL-10 as per Figure 1 and the frequency characterized in two independent populations. At three of these sites -3575T/A, -2849G/A, -2763C/A both alleles are commonly represented in the populations studied.
15 At each of the other four sites -3715 A/T, -2776 A/G, -2100C/A, -2050G/A one allele (in bold) predominates while the other rare allele has a frequency less than 5%.

Sequencing data from the region between -1.3 kb and -4 kb also showed several single base differences compared to published IL-10 promoter
20 sequences (Genbank entries U16720 and X78437), and they confirm the presence of six nucleotides (GCTCAA) at -1469, and two nucleotides (GA) at -1685. Several other nucleotides present in one or the other of the Genbank entries were not present in any of our sequences. Except for differences at the

SNP sites, the 14 Caucasian donor sequences were all identical, suggesting that differences between the Genbank sequences and our data are unlikely to be the result of PCR-induced mutations. To address the possibility that differences in the ethnicity of the donors could explain sequence differences seen in the IL-10 promoters, PCR-amplification and sequencing of the 4 kb IL-10 promoter region was conducted from 14 African American normal donors. In our African American cohort, two novel SNP sites were identified that were not polymorphic in any of the 52 Caucasian normals phenotyped for IL-10 production, Figure 1.

The proximal SNPs in the IL-10 promoter (-1082G/A, -819C/T, -591C/A) form three haplotypes in Caucasians (GCC, ACC and ATA), and a fourth haplotype (GTA) has been reported in southern Chinese (29). To determine the distal IL-10 promoter SNP haplotypes for the three sites with common polymorphisms, the first cohort of 52 Caucasian donors was genotyped. Four haplotypes were observed in donors homozygous at all three sites or heterozygous at only one site. The 4 kb promoter from 19 donors heterozygous at more than one of the common distal SNP sites was then cloned. PCR amplified promoter products were cloned into pGEM-T vector and ten randomly chosen clones from each donor sequenced. Of the 8 possible distal promoter SNP haplotypes, haplotypes in the first group of 52 Caucasian normals were identified, Figure 2. In this cohort, three haplotypes comprised of the common distal SNPs (TGC, AAA and AGA), were present with the highest frequency (0.51, 0.26 and 0.13 respectively) while the other haplotypes,

TAA, AAC and AGC, were present with a low frequency (0.02, 0.05 and 0.04 respectively). In the second, independent Caucasian cohort and in the African American populations (see below), the other two possible distal SNP haplotypes (TGA and TAC) were unambiguously deduced, Figure 2.
5 Therefore, all 8 haplotypes for the three distal sites with common alleles (-3575T/A, -2849G/A, -2763C/A) exist in normal populations.

The genotype distribution in the normal phenotyped Caucasian donors was examined to determine whether any haplotypes were associated with IL-10 production. Table 2 shows that among the three most common haplotypes,
10 both AAA and AGA were each more frequently found in the low compared to the high IL-10 producers. More importantly, donors with two A-[G/A]-A haplotypes were ten-fold more frequent among the 26 low compared to the 26 high producers (42% vs 4%; $p < 0.007$) as shown in Figure 3. Among donors in the lower half of IL-10 production, which had a median IL-10 production of
15 543 pg/ml, an A-[G/A]-A haplotype was more frequent than among those in the upper half which had a median production of 903 pg/ml (73% vs 35%, $p = 0.012$). The occurrence of two A-[G/A]-A haplotypes was also more common in the lower than in the upper half. Not surprisingly, the TGC haplotype was significantly associated with high IL-10 production ($p < 0.05$)

20 Extended haplotypes were constructed based on analysis of genotypes in homozygous donors or donors with a single heterozygous site and on analysis of direct sequence information of cloned promoter products. Nine extended haplotypes were identified that include both the proximal and the

distal IL-10 promoter SNPs as shown in Figure 2. Within these extended haplotypes, the TGC distal haplotype is linked to all three proximal haplotypes. However, among the 104 DNA strands analyzed, both the AAA and AGA distal haplotypes was found only with the AGCC proximal haplotype.

5 Conversely, the GATA proximal haplotype was found exclusively with the TGC distal haplotype.

As predicted from the distributions of the AAA and the AGA haplotypes and the absolute linkage of AGCC with these haplotypes in our population, the AAA-AGCC and AGA-AGCC haplotypes predominated in the

10 low producer group (54% vs 23% in high producers, $p < 0.003$). A distribution analysis of the AGCC proximal haplotype alone also showed a higher frequency in the low producer group (low: 65%, high: 44%,) but this distribution did not show as marked a difference between low and high IL-10 producers because of the TGC-AGCC, TAA-AGCC and AAC-AGCC

15 haplotypes, most of which were found in the high producer group. Indeed, if the proximal AGCC were predominantly responsible for the IL-10 production phenotype, then the distribution of distal haplotypes associated with AGCC should be the same in both high and low producers. Table 3 shows that, with AGCC held constant, the distal haplotypes do not occur with equal frequency

20 in both high and low producers. The A-[G/A]-A distal haplotypes are much more frequently found in the low producers (82% vs 52%; $p = 0.032$).

Conversely, with the distal TGC held constant, there was no difference in the distribution of the TGC-GACC, TGC-GATA and TGC-AGCC haplotypes between high and low producers.

To determine if genetically determined capacity for IL-10 production might constitute a susceptibility factor for SLE, the distal SNP haplotypes of 24 SLE patients were examined and compared the distribution of these haplotypes to our high and low IL-10 producing normals. The distribution of SLE patient haplotypes were significantly different from low production normals ($p = 0.001$) and essentially the same as the high producers as shown in Table 4.

While both the G and A alleles at -2849 were equally represented in individuals producing high and low amounts of IL-10, there was a significant over-representation in the frequency of the A allele at both -3575 ($p = 0.02$) and at -2763 ($p = 0.009$) when analyzed individually in low producers compared to high producers as shown in Table 5.

Therefore, the distribution of genotypes at -3575, -2849 and -2763 in 60 African American SLE patients and 64 healthy ethnically matched controls were examined. Table 6 shows that while there was no significant difference in the genotype distribution at the first two sites, there was a significant difference between normals and SLE patients at -2763 ($p < 0.05$). As with our normals producing high levels of IL-10, the -2763A allele frequency was lower and there were significantly fewer -2763A homozygotes in SLE patients versus ethnically matched controls (5 in SLE, 16 in normals, $p = 0.026$).

Inspection of the normal African American population at this site revealed a very high frequency of TT homozygosity and low frequency of AA homozygosity compared to Caucasian normals. Indeed, the -3575T allele frequency in the 64 African American normals was significantly different not only from our Caucasian IL-10 low normals (0.84 vs 0.40) but also from our Caucasian IL-10 high producers (0.84 vs 0.65; $p < 0.00001$ and $p < 0.013$, respectively). To determine if this might be related to the selection of these donors on the basis of IL-10 phenotype, a second population of 128 randomly selected Caucasians was genotyped. The genotype distributions at positions -3575 and -2763 between African Americans and Caucasians were significantly different ($p < 0.00002$ and $p < 0.03$, respectively; Table 7). In particular, the -3575T allele frequency was significantly higher in the African American normals (0.84 vs 0.69; $p < 0.0001$). This enrichment for -3575T and under-representation of -3575A, a genotype associated with high IL-10 production, in African American normals compared to Caucasians suggests that heritable differences in IL-10 production capacity may represent one of the risk factors for the increased prevalence of lupus in African Americans.

The present invention is further illustrated by the following non-limiting scope examples.

Example 1. Normal donor and patient populations:

Fifty two normal Caucasian donors, characterized for quantitative IL-10 production (*J. Immunol. Methods* 1998 218:63-71), provided genomic DNA for genotyping. An additional 128 normal Caucasian donors from the Leiden

University Medical Center blood donor service provided genomic DNA to confirm genotype frequencies. Sixty-four African American normals and 60 African American SLE patients from the University of Alabama at Birmingham also provided DNA for analysis. All SLE patient donors met the revised American College of Rheumatology criteria for systemic lupus (*Arthritis Rheum.* 1982, 25:1271-1277).

Example 2. IL-10 production:

Determination of IL-10 production in lipopolysaccharide-stimulated whole blood assays is described elsewhere. *J. Immunol. Methods* 1998 218:63-71. Briefly, whole blood samples were diluted 1:1 with RPMI 1640 (Gibco Life Technologies, Paisley, UK). LPS (*Escherichia coli* 0111; B4, Boivin method, Difco Laboratories, Detroit, MI) was added to a final concentration of 1 µg/ml and cells stimulated for 24 hours at 37°C under 5% CO₂ atmosphere. Determination of IL-10 concentrations by ELISA (BioSource, Fleurus, Belgium) was performed according to manufacturer's guidelines.

Example 3. PCR amplification and sequencing:

DNA was extracted from whole blood using standard molecular techniques. Forward (F) and reverse (R) primers used to PCR-amplify and sequence the 4 kb region of the IL-10 promoter are given in Table 1. Primers were purchased from Gibco/BRL or from the Oligonucleotide Synthesis Core Facility at The University of Alabama at Birmingham. PCR amplifications were done using the Expand Long Template PCR System according to the manufacturers suggestions (Roche Diagnostic Corp., Indianapolis, IN), or with

recombinant Taq polymerase and deoxynucleoside triphosphates from Gibco/BRL (Grand Island, NY). IL10UPP primer TCCATAGGTCACACAG CAGGCATCCA (SEQ. ID. No. 1) and IL10LWR reverse primer CAGTCAGGAGGACCAGGCAACACAGC (SEQ. ID. No. 2) were used to
5 PCR amplify a 4.1 kb fragment of the IL-10 gene containing 4.057 kb of the 5'UTR and 43 bases of the ORF. Typically, 125 ng of genomic DNA template were used in a 50 µL PCR reaction performed in a Perkin Elmer 9600 Thermal Cycler.

For genotyping, IL-10UPP primer (SEQ. ID. No. 1) and IL10S9R
10 reverse primer TTTGAGACAGAGTCTCGCTCTG (SEQ. ID. No. 3) were used to amplify a 1.443 kb IL-10 promoter fragment containing the -3575 and -2763 polymorphic sites. A typical 50 µL PCR reaction contained 1x PCR buffer, 1.5 mM MgCl₂, 0.2 M dNTPs, 0.2 mM primers and 2.0 U Taq polymerase. PCR amplified products were electrophoresed in a 2% agarose gel
15 and DNA fragments purified from excised gel slices using the QIAquick Gel Extraction Kit (Qiagen Inc., Chatsworth, CA). DNA sequencing was performed using 10 ng of gel-purified DNA and the ABI PRISM BigDye Terminator and Dye Primer Cycle Sequencing Ready Reaction Kits (PE Applied Biosystems, Foster City, CA) followed by electrophoresis on the ABI
20 377 automated sequencer. To facilitate confirmation of heterozygotes, M13-labeled primers and M13-based sequencing kits were used.

Example 4. Cloning of IL-10 promoter segments:

For extended SNP haplotype determination the 4.1 kb IL-10 promoter fragments were cloned into pGEM-T vector (Promega, Madison, WI). Plasmids were propagated in *E. coli* DH5 α and plasmid DNA purified from
5 bacterial cultures using the QIAprep Spin Miniprep Kit (Qiagen).

All DNA sequence comparison alignments were done using DNASTAR SeqMan or MegAlign programs (DNASTAR Inc., Madison, WI). DNA sequence motif searches for putative transcription factor binding sites were done using TESS, MatInspector V2.2 and TFSEARCH web-based search
10 programs.

Example 5. Statistical Analysis:

The Chi-square test was used to compare differences in the distributions of phenotypes and allele frequencies. A p value of 0.05 was used to reject the null hypothesis.

15 Any patents, applications or publications mentioned in the specification are indicative of the levels of those skilled in the art to which the invention pertains. These patents and publications are herein incorporated by reference to the same extent as if each individual publication or patent was specifically and individually indicated to be incorporated by reference.

Table 1

SNPs in -4 kb to -2 kb portion of IL-10 promoter

	-3575			-2849			-2763		
	TT	TA	AA	GG	GA	AA	CC	CA	AA
High IL-10	9	16	1	11	15	0	13	12	1
Low IL-10	8	5	13	10	12	4	8	8	10

Table 2
Haplotypes for SLE patients and healthy
donors producing high and low IL-10 levels

	Haplotypes			SLE vs High IL-10		SLE vs Low IL-10	
	-3575	-2849	-2763	SLE	High	SLE	Low
1.	T	G/A	C	28	33	28	19
2.	T	G/A	A	6	1	6	0
3.	A	G/A	C	5	4	5	5
4.	A	G/A	A	9	14	9	28
				p=N/S		p=0.003	

Table 3
Distribution of AGCC-Linked Distal
Haplotypes in High and Low IL-10 Producers

Extended Haplotype Distal — Proximal	Phenotype	
	Low	High
TGC — AGCC	3	4
TAA — AGCC	0	2
AAA — AGCC	18	9
AGA — AGCC	10	3
AAC — AGCC	1	4
AGC — AGCC	2	1

A-[G/A]-A-A-G-C-C vs others: $p=0.032$, 2 x 2 chi-square analysis

Table 4

Distribution of IL-10 Haplotypes in SLE Patients

Haplotypes			SLE vs Low IL-10*		SLE vs High IL-10	
-3575	-2849	-2763	SLE	Low	SLE	High
T	G/A	C	28	19	28	33
T	G/A	A	6	0	6	1
A	G/A	C	5	5	5	4
A	G/A	A	9	28	9	14

*p = 0.001, 4 x 2 chi-square analysis

Table 5**Association of -3575 and -2763 SNP Alleles with IL-10 Phenotypes**

	<u>-3575</u>		<u>-2849</u>		<u>-2763</u>	
	<u>T</u>	<u>A</u>	<u>G</u>	<u>A</u>	<u>C</u>	<u>A</u>
High IL-10	34	18	37	15	38	14
Low IL-10	21	31	32	20	24	28

-3575, $p = 0.02$; -2763, $p = 0.009$; 2 x 2 chi square analysis.

Table 6

**Distribution of IL-10 Distal Promoter SNP
Genotypes in African American SLE Patients**

	-3575			-2849			-2763		
	TT	TA	AA	GG	GA	AA	CC	CA	AA
AA SLE	40	19	1	38	19	3	28	27	5
AA Normals	47	12	5	36	22	6	25	23	16

-2763, $p < 0.05$, 2 x 3 chi-square analysis.

Table 7

	-3575			-2849			-2763		
	TT	TA	AA	GG	GA	AA	CC	CA	AA
Dutch Normals (N = 128)	51	64	13	71	49	8	51	63	14
AA Normals (n = 64)	48	11	5	36	22	6	25	23	16

-3573, $p < 0.00002$; -2763, $p < 0.03$; 2 x 3 chi-square analysis.

Claims

1 1. A process for determining IL-10 promoter alleles specific to an
2 individual human, said process comprising the step of: genotyping DNA
3 encoding IL-10 -1.2 to -4.0 kb for a single nucleotide polymorphism, said DNA
4 being obtained from said individual human.

1 2. The process of claim 1 wherein said single nucleotide
2 polymorphism affects IL-10 production.

1 3. A process of predicting a human immunoresponse to a disease,
2 said process comprising the steps of:
3 establishing a correlation between an IL-10 promoter genotype in
4 clinical outcome of said disease;
5 genotyping for an IL-10 promoter to yield a patient IL-10 promoter
6 genotype;
7 comparing said IL-10 promoter genotype with said patient genotype;
8 and
9 determining clinical outcome for said patient based on said patient IL-
10 10 promoter genotype.

1 4. The process of claim 1 wherein said single nucleotide
2 polymorphism is in nucleotide -3575.

1 5. The process of claim 1 wherein said single nucleotide
2 polymorphism is in nucleotide -2849.

1 6. The process of claim 1 wherein said single nucleotide
2 polymorphism is in nucleotide -2763.

1 7. The use of a single nucleotide polymorphism in an IL-10
2 promoter genotype to identify individual susceptibility to a disease.

1 8. The use of claim 7 wherein said disease is selected from the
2 group consisting of: cancer, viral infection, bacterial infection, systemic lupus
3 erythematosus, systemic vasculitis, Felty's syndrome, allergy, asthma,
4 myasthenia gravis, transplant rejection, rheumatoid arthritis, systemic sclerosis,
5 glomerulonephritides, Sjogren's syndrome and inflammatory bowel disease.

1 9. A commercial package comprising reagents for identifying a
2 single nucleotide polymorphism in an IL-10 promoter genotype or phenotype
3 together with instructions for the use thereof as a test to identify individual
4 susceptibility to a disease.

1 10. A diagnostic for disease susceptibility comprising: an IL-10
2 promoter region -1.2 to -4.0 kb having a single nucleotide polymorphism
3 therein.

- 1 11. The diagnostic of claim 10 wherein the single nucleotide
- 2 polymorphism is selected from the group consisting of: -3575 T/A, -2849 G/A
- 3 and -2763 C/A.

(12) INTERNATIONAL APPLICATION PUBLISHED UNDER THE PATENT COOPERATION TREATY (PCT)

(19) World Intellectual Property Organization
International Bureau



(43) International Publication Date
15 February 2001 (15.02.2001)

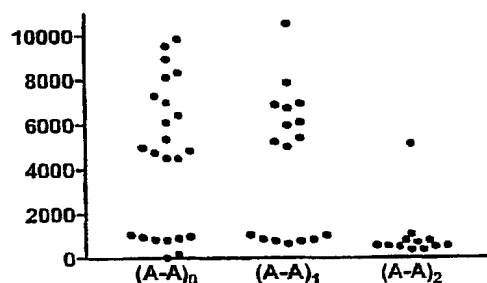
PCT

(10) International Publication Number
WO 01/11084 A1

- (51) International Patent Classification⁷: C12Q 1/68, C07H 21/02, 21/04
- (21) International Application Number: PCT/US00/21769
- (22) International Filing Date: 9 August 2000 (09.08.2000)
- (25) Filing Language: English
- (26) Publication Language: English
- (30) Priority Data:
60/147,838 9 August 1999 (09.08.1999) US
60/153,869 14 September 1999 (14.09.1999) US
- (71) Applicant (for all designated States except US): UAB RESEARCH FOUNDATION [US/US]; AB1120G, 1530 3rd Avenue South, Birmingham, AL 35294 (US).
- (72) Inventors; and
- (75) Inventors/Applicants (for US only): KIMBERLY, Robert, P. [US/US]; 2045 Magnolia Ridge, Birmingham, AL 35243 (US). GIBSON, Andrew [US/US]; 1528-G 17th Street South, Birmingham, AL 35205 (US).
- (74) Agents: COGEN, Ellen, S. et al.; Gifford, Krass, Groh, Sprinkle, Anderson & Citowski, P.C., Suite 400, 280 N. Old Woodward Avenue, Birmingham, MI 48009 (US).
- (81) Designated States (national): AE, AG, AL, AM, AT, AU, AZ, BA, BB, BG, BR, BY, BZ, CA, CH, CN, CR, CU, CZ, DE, DK, DM, DZ, EE, ES, FI, GB, GD, GE, GH, GM, HR, HU, ID, IL, IN, IS, JP, KE, KG, KP, KR, KZ, LC, LK, LR, LS, LT, LU, LV, MA, MD, MG, MK, MN, MW, MX, MZ, NO, NZ, PL, PT, RO, RU, SD, SE, SG, SI, SK, SL, TJ, TM, TR, TT, TZ, UA, UG, US, UZ, VN, YU, ZA, ZW.
- (84) Designated States (regional): ARIPO patent (GH, GM, KE, LS, MW, MZ, SD, SL, SZ, TZ, UG, ZW), Eurasian patent (AM, AZ, BY, KG, KZ, MD, RU, TJ, TM), European patent (AT, BE, CH, CY, DE, DK, ES, FI, FR, GB, GR, IE, IT, LU, MC, NL, PT, SE), OAPI patent (BF, BJ, CF, CG, CI, CM, GA, GN, GW, ML, MR, NE, SN, TD, TG).
- Published:
— With international search report.
- For two-letter codes and other abbreviations, refer to the "Guidance Notes on Codes and Abbreviations" appearing at the beginning of each regular issue of the PCT Gazette.

(54) Title: GENETIC POLYMORPHISM IN THE IL-10 PROMOTER

Association of -3575A/-2763A SNP Haplotype with IL10 Production in Dutch Caucasian Donors.

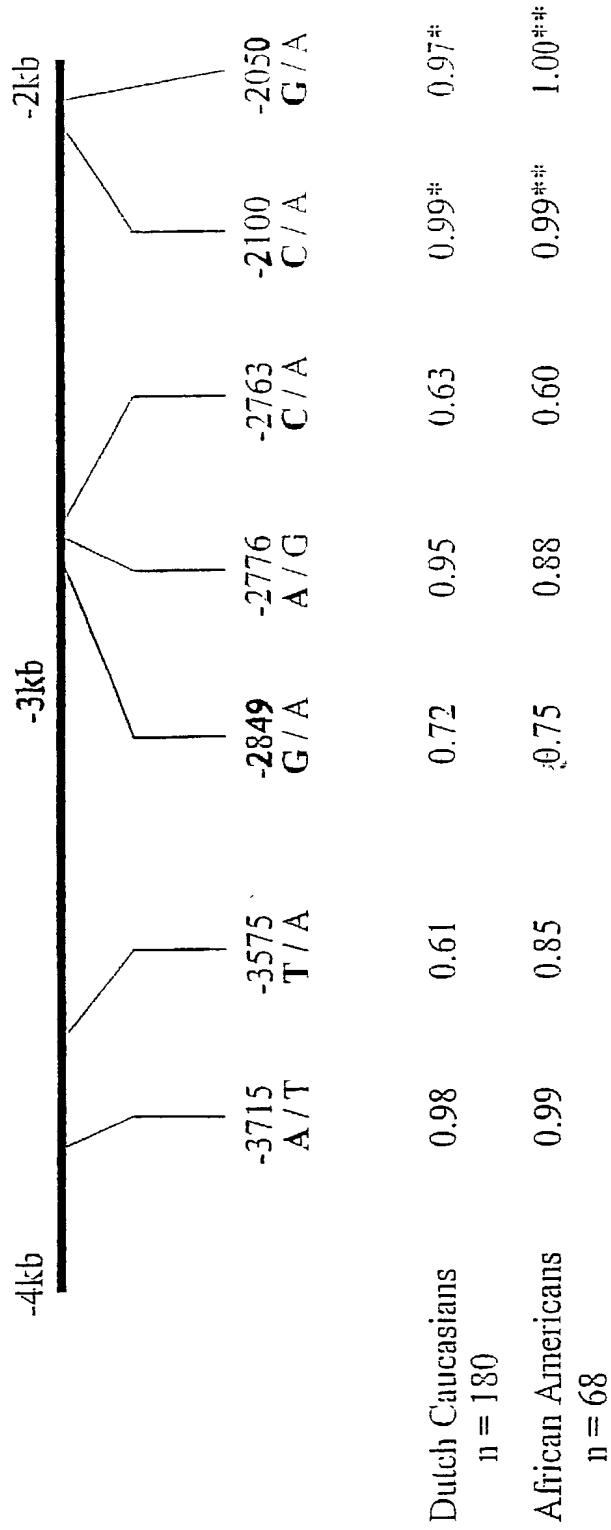


(57) Abstract: A process and a package for identifying single nucleotide polymorphisms in interleukin-10 (IL-10) are useful in identifying individual susceptibility to a disease. IL-10 is active in the immune response and autoimmune diseases. The susceptibility and severability of autoimmune disease is determined by genotyping or phenotyping an individual IL-10 promoter region. Figure 3 is a graph showing association of -3575A/-2763A SNP haplotype with production of IL-10 by donors, segregated by distal SNP haplotypes.

WO 01/11084 A1

1/3

Figure 1. Allele Frequency of Novel SNPs Identified in the IL10 Distal Promoter Region.



2/3

Figure 2. Extended IL10 Promoter SNP Haplotypes

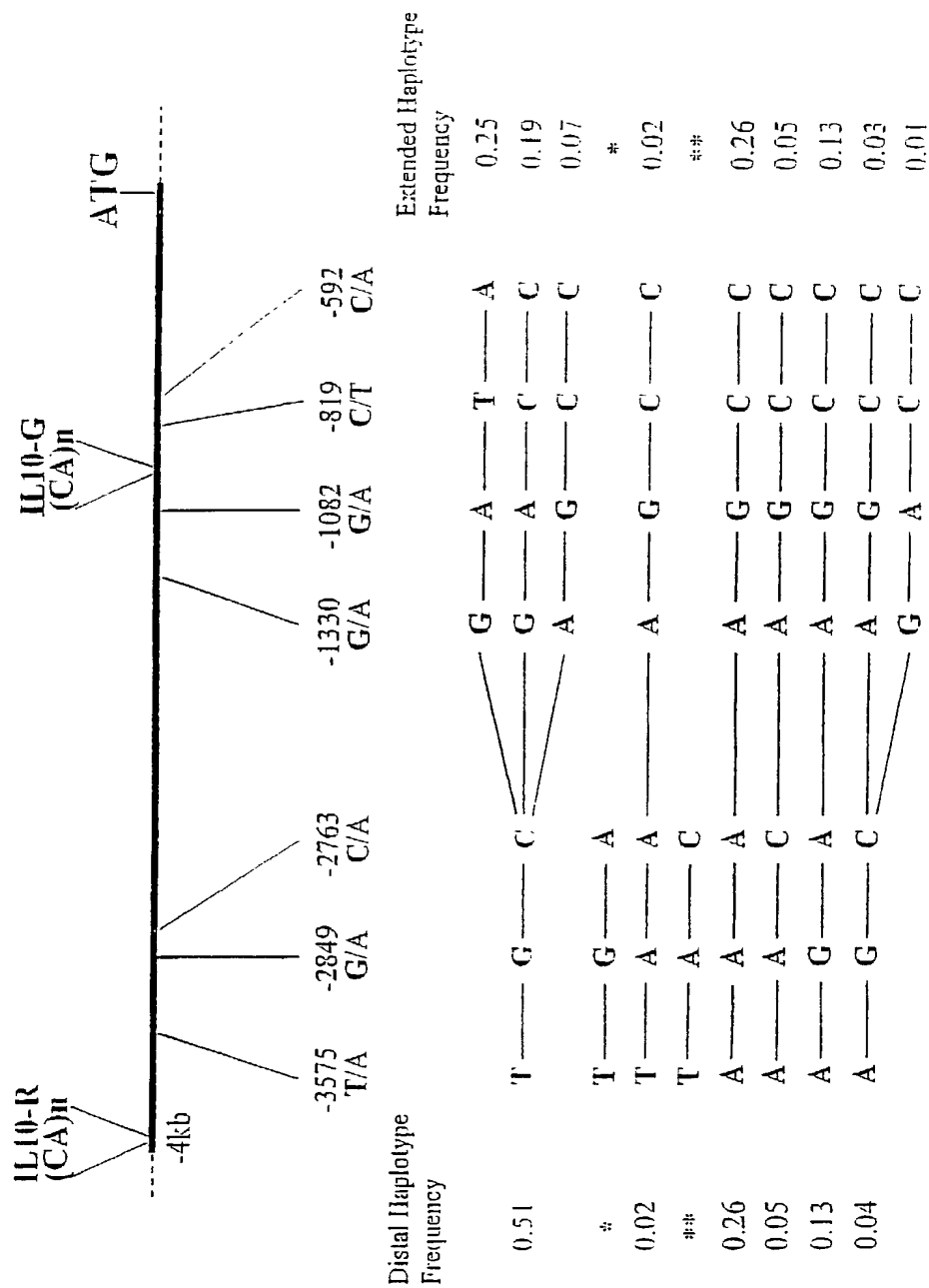
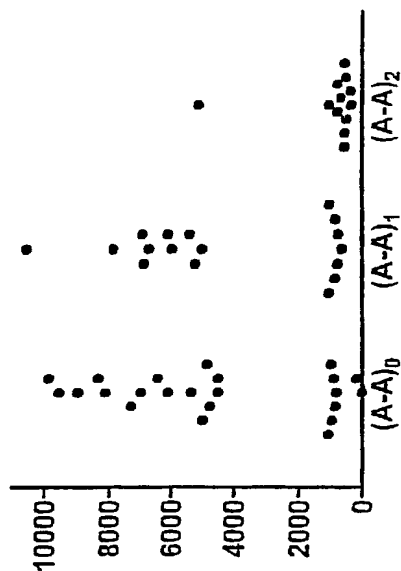


Figure 3. Association of -3575A/-2763A SNP Haplotype with IL10 Production in Dutch Caucasian Donors.



Docket No.
UAB-16802/22

Declaration and Power of Attorney For Patent Application

English Language Declaration

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name,

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled

GENETIC POLYMORPHISM IN THE IL-10 PROMOTER

the specification of which

(check one)

☐ is attached hereto.

☒ was filed on 9 AUGUST 2000 as United States Application No. or PCT International Application Number PCT/US00/21769 and was amended on _____

(if applicable)

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose to the United States Patent and Trademark Office all information known to me to be material to patentability as defined in Title 37, Code of Federal Regulations, Section 1.56.

I hereby claim foreign priority benefits under Title 35, United States Code, Section 119(a)-(d) or Section 365(b) of any foreign application(s) for patent or inventor's certificate, or Section 365(a) of any PCT International application which designated at least one country other than the United States, listed below and have also identified below, by checking the box, any foreign application for patent or inventor's certificate or PCT International application having a filing date before that of the application on which priority is claimed.

Prior Foreign Application(s)

Priority Not Claimed

(Number)

(Country)

(Day/Month/Year Filed)

☐

(Number)

(Country)

(Day/Month/Year Filed)

☐

(Number)

(Country)

(Day/Month/Year Filed)

☐

POWER OF ATTORNEY: As a named inventor, I hereby appoint the following attorney(s) and/or agent(s) to prosecute this application and transact all business in the Patent and Trademark Office connected therewith. (list name and registration number)

15 Ernest I. Gifford, 20,644
 Allen M. Krass, 18,277
 Irvin L. Groh, 17,505
 Douglas W. Sprinkle, 27,394
 Thomas E. Anderson, 31,318
 Ronald W. Citkowski, 31,005
 Judith M. Riley, 31, 561
 Douglas J. McEvoy, 34,385

Ellen S. Cogen, 38,109
 John G. Posa, 37,424
 Roberta J. Morris, 33,196
 Avery N. Goldstein, 39,204
 Douglas L. Wathen, 41,369
 Mark D. Schneider, 43,906
 Beverly M. Bunting, 36,072

Send Correspondence to: Ellen S. Cogen
 Gifford, Krass, Groh, Sprinkle, Anderson & Citkowski, P.C.
 280 N. Old Woodward Ave., Ste. 400
 Birmingham, MI 48009-5394

Direct Telephone Calls to: (name and telephone number)
 Ellen Cogen at (248) 647-6000

1-00

Full name of sole or first inventor	<u>Robert P. Kimberly</u>	
Sole or first inventor's signature	<i>Robert P Kimberly</i>	Date 5/22/02
Residence	<u>Birmingham, Alabama</u> AL	
Citizenship	US	
Post Office Address	2045 Magnolia Ridge	
	Birmingham, AL35243	

2-00

Full name of second inventor, if any	<u>Andrew Gibson</u>	
Second inventor's signature	<i>Andrew Gibson</i>	Date 5/22/02
Residence	<u>Birmingham, Alabama</u> AL	
Citizenship	US	
Post Office Address	17th Street South, Suite 1528-G	
	Birmingham, AL 35205	

I hereby claim the benefit under 35 U.S.C. Section 119(e) of any United States provisional

60/147,838

(Application Serial No.)

9 AUGUST 1999

(Filing Date)

60/153,869

(Application Serial No.)

14 SEPTEMBER 1999

(Filing Date)

(Application Serial No.)

(Filing Date)

I hereby claim the benefit under 35 U. S. C. Section 120 of any United States application(s), or Section 365(c) of any PCT International application designating the United States, listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States or PCT International application in the manner provided by the first paragraph of 35 U.S.C. Section 112, I acknowledge the duty to disclose to the United States Patent and Trademark Office all information known to me to be material to patentability as defined in Title 37, C. F. R., Section 1.56 which became available between the filing date of the prior application and the national or PCT International filing date of this application:

PCT/US00/21769

(Application Serial No.)

9 AUGUST 2000

(Filing Date)

PENDING

(Status)
(patented, pending, abandoned)

(Application Serial No.)

(Filing Date)

(Status)
(patented, pending, abandoned)

(Application Serial No.)

(Filing Date)

(Status)
(patented, pending, abandoned)

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

SEQUENCE LISTING

(1) GENERAL INFORMATION:

- (i) APPLICANTS: The UAB Research Foundation
- (ii) TITLE OF INVENTION: GENETIC POLYMORPHISM IN THE IL-10 PROMOTER
- (iii) NUMBER OF SEQUENCES: 3
- (iv) CORRESPONDENCE ADDRESS:
 - (A) ADDRESSEE: Ellen S. Cogen
Gifford, Krass, Groh, Sprinkle,
Anderson & Citkowski, P.C.
 - (B) STREET: 280 N. Old Woodward Ave., Suite 400
 - (C) CITY: Birmingham
 - (D) STATE: Michigan
 - (E) COUNTRY: U.S.
 - (F) ZIP: 48009
- (v) COMPUTER READABLE FORM:
 - (A) MEDIUM TYPE: Floppy disk
 - (B) COMPUTER: IBM
 - (C) OPERATING SYSTEM: Windows 98
 - (D) SOFTWARE: Microsoft Word 2000
- (vi) CURRENT APPLICATION DATA:
 - (A) APPLICATION NUMBER:
 - (B) FILING DATE:
 - (C) CLASSIFICATION:
- (viii) ATTORNEY/AGENT INFORMATION:
 - (A) NAME: Ellen S. Cogen
 - (B) REGISTRATION NUMBER: 38,109
 - (C) REFERENCE/DOCKET NUMBER: UAB-16852/22
- (ix) TELECOMMUNICATION INFORMATION:
 - (A) TELEPHONE: 248-647-6000
 - (B) TELEFAX: 248-647-5210

(2) INFORMATION FOR SEQ ID NO. 1:

- (i) SEQUENCE CHARACTERISTICS:
 - (A) LENGTH: 26
 - (B) TYPE: Nucleic acid

- (C) STRANDEDNESS: Single
- (D) TOPOLOGY: Linear
- (ii) MOLECULE TYPE:
 - (A) Description:
- (iii) HYPOTHETICAL: No
- (iv) ANTISENSE: No
- (vi) ORIGINAL SOURCE:
 - (B) STRAIN:
 - (C) INDIVIDUAL ISOLATE:
 - (D) DEVELOPMENTAL STAGE:
 - (F) TISSUE TYPE:
 - (G) CELL TYPE:
 - (H) CELL LINE:
- (xi) SEQUENCE DESCRIPTION: SEQ ID NO. 1:

TCC ATA GGT CAC ACA GCA GGC ATC CA

26

(3) INFORMATION FOR SEQ ID NO. 2:

- (i) SEQUENCE CHARACTERISTICS:
 - (A) LENGTH: 26
 - (B) TYPE: Nucleic acid
 - (C) STRANDEDNESS: Single
 - (D) TOPOLOGY: Linear
- (ii) MOLECULE TYPE:
 - (A) Description:
- (iii) HYPOTHETICAL: No
- (iv) ANTISENSE: Yes
- (vi) ORIGINAL SOURCE:
 - (B) STRAIN:
 - (C) INDIVIDUAL ISOLATE:
 - (D) DEVELOPMENTAL STAGE:
 - (F) TISSUE TYPE:
 - (G) CELL TYPE:
 - (H) CELL LINE:

(xi) SEQUENCE DESCRIPTION: SEQ ID NO. 2:

CAG TCA GGA GGA CCA GGC AAC ACA GC 26

(4) INFORMATION FOR SEQ ID NO. 3:

(i) SEQUENCE CHARACTERISTICS:

(A) LENGTH: 22
(B) TYPE: Nucleic acid
(C) STRANDEDNESS: Single
(D) TOPOLOGY: Linear

(ii) MOLECULE TYPE:

(A) Description:

(iii) HYPOTHETICAL: No

(iv) ANTISENSE: Yes

(vi) ORIGINAL SOURCE:

(B) STRAIN:
(C) INDIVIDUAL ISOLATE:
(D) DEVELOPMENTAL STAGE:
(F) TISSUE TYPE:
(G) CELL TYPE:
(H) CELL LINE:

(xi) SEQUENCE DESCRIPTION: SEQ ID NO. 3:

TTT GAG ACA GAG TCT CGC TCT G 22